

SENATE BILL

No. 1

**Introduced by Senator Beall
(Principal coauthors: Senators Monning and Pavley)**

July 2, 2015

An act to amend Sections 4648.4, 4681.6, 4688.21, 4689.8, 4691.9, and 4860, and to add Sections 4681.2, 4690.7, 4795, and 4796 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Beall. Developmental services: funding.

(1) The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for those services through other publicly funded agencies. The annual budget appropriates funds to the department to fund regional center operations.

This bill would require the department, subject to an appropriation by the Legislature for these purposes, to increase the funding paid to a regional center for the regional center's operating budget by 10%, and to increase funding to enable the regional center and the regional center's purchase-of-service vendors to fund certain costs related to minimum wage requirements. The bill would also require the department to develop a 10-year financial sustainability plan to ensure that the state's community-based developmental services system effectively serves all individuals with developmental disabilities.

(2) Existing law establishes specified rates to be paid to certain service providers and the rates to be paid for certain developmental services. Existing law requires that rates to be paid to other developmental service providers either be set by the department or negotiated between the regional center and the service provider.

This bill would increase the rates established by existing law by 10%, as specified, and would require a 10% increase to the rates set by the department and the rates negotiated between regional centers and service providers, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4648.4 of the Welfare and Institutions
2 Code is amended to read:

3 4648.4. ~~(a) Notwithstanding any other provision of law or~~
4 ~~regulation, law,~~ commencing July 1, 2006, rates for services listed
5 in paragraphs (1), (2), with the exception of travel reimbursement,
6 (3) to (8), inclusive, (10), and (11) of subdivision (b), shall be
7 increased by 3 percent, subject to funds specifically appropriated
8 for this increase in the Budget Act of 2006. The increase shall be
9 applied as a percentage, and the percentage shall be the same for
10 all providers. Any subsequent change shall be governed by
11 subdivision (b).

12 (b) Notwithstanding any other ~~provision of law or regulation,~~
13 ~~law,~~ except for subdivision (a), no regional center may pay any
14 provider of the following services or supports a rate that is greater
15 than the rate that is in effect on or after June 30, 2008, unless the
16 increase is required by a contract between the regional center and
17 the vendor that is in effect on June 30, 2008, or the regional center
18 demonstrates that the approval is necessary to protect the
19 consumer's health or safety and the department has granted prior
20 written authorization:

- 21 (1) Supported living services.
- 22 (2) Transportation, including travel reimbursement.
- 23 (3) Socialization training programs.
- 24 (4) Behavior intervention training.
- 25 (5) Community integration training programs.
- 26 (6) Community activities support services.

- 1 (7) Mobile day programs.
- 2 (8) Creative art programs.
- 3 (9) Supplemental day services program supports.
- 4 (10) Adaptive skills trainers.
- 5 (11) Independent living specialists.

6 *(c) Notwithstanding subdivisions (a) and (b), and subject to an*
7 *appropriation of funds by the Legislature for these purposes, a*
8 *regional center shall increase rates for services listed in*
9 *paragraphs (1), (2), with the exception of travel reimbursement,*
10 *and (3) to (11), inclusive, of subdivision (b), where the rates are*
11 *determined through a negotiation between the regional center and*
12 *the provider, by 10 percent above the levels that otherwise would*
13 *have been in effect on the effective date of the act that added this*
14 *subdivision, unless the rate for a service was increased pursuant*
15 *to another provision of the act that added this subdivision.*

16 SEC. 2. Section 4681.2 is added to the Welfare and Institutions
17 Code, to read:

18 4681.2. Notwithstanding any other law, and subject to an
19 appropriation of funds by the Legislature for these purposes, the
20 department shall increase the rates set for community care facilities
21 serving persons with developmental disabilities by 10 percent
22 above the levels that otherwise would have been in effect on the
23 effective date of the act that added this section.

24 SEC. 3. Section 4681.6 of the Welfare and Institutions Code
25 is amended to read:

26 4681.6. (a) ~~Notwithstanding any other law or regulation, law,~~
27 commencing July 1, 2008:

28 (1) A regional center shall not pay an existing residential service
29 provider, for services where rates are determined through a
30 negotiation between the regional center and the provider, a rate
31 higher than the rate in effect on June 30, 2008, unless the increase
32 is required by a contract between the regional center and the vendor
33 that is in effect on June 30, 2008, or the regional center
34 demonstrates that the approval is necessary to protect the
35 consumer's health or safety and the department has granted prior
36 written authorization.

37 (2) A regional center shall not negotiate a rate with a new
38 residential service provider, for services where rates are determined
39 through a negotiation between the regional center and the provider,
40 that is higher than the regional center's median rate for the same

1 service code and unit of service, or the statewide median rate for
2 the same service code and unit of service, whichever is lower. The
3 unit of service designation shall conform with an existing regional
4 center designation or, if none exists, a designation used to calculate
5 the statewide median rate for the same service. The regional center
6 shall annually certify to the department its median rate for each
7 negotiated rate service code, by designated unit of service. This
8 certification shall be subject to verification through the
9 department's biennial fiscal audit of the regional center.

10 (b) Notwithstanding subdivision (a), commencing July 1, 2014,
11 regional centers may negotiate a rate adjustment with residential
12 service providers regarding rates that are otherwise restricted
13 pursuant to subdivision (a), if the adjustment is necessary in order
14 to pay employees no less than the minimum wage as established
15 by Section 1182.12 of the Labor Code, as amended by Chapter
16 351 of the Statutes of 2013, and only for the purpose of adjusting
17 payroll costs associated with the minimum wage increase. The
18 rate adjustment shall be specific to the unit of service designation
19 that is affected by the increased minimum wage, shall be specific
20 to payroll costs associated with any increase necessary to adjust
21 employee pay only to the extent necessary to bring pay into
22 compliance with the increased state minimum wage, and shall not
23 be used as a general wage enhancement for employees paid above
24 the minimum wage. Regional centers shall maintain documentation
25 on the process to determine, and the rationale for granting, any
26 rate adjustment associated with the minimum wage increase.

27 (c) Notwithstanding subdivision (a), commencing July 1, 2015,
28 regional centers may negotiate a rate adjustment with residential
29 service providers regarding rates that are otherwise restricted
30 pursuant to subdivision (a), if the adjustment is necessary to
31 implement Article 1.5 (commencing with Section 245) of Chapter
32 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter
33 317 of the Statutes of 2014. The rate adjustment may be applied
34 only if a minimum of 24 hours or three days of paid sick leave per
35 year was not a benefit provided to employees as of June 30, 2015,
36 and shall be specific to payroll costs associated with any increase
37 necessary to compensate an employee up to a maximum of 24
38 hours or three days of paid sick leave in each year of employment.

39 (d) *Notwithstanding subdivision (a), and subject to an*
40 *appropriation of funds by the Legislature for these purposes,*

1 *regional centers shall increase the rates paid to residential service*
2 *providers, for services where rates are determined through a*
3 *negotiation between the regional center and the provider, by 10*
4 *percent above the levels that otherwise would have been in effect*
5 *on the effective date of the act that added this subdivision.*

6 ~~(d)~~

7 (e) For purposes of this section, “residential service provider”
8 includes Adult Residential Facilities for Persons with Special
9 Health Care Needs, as described in Section 4684.50.

10 ~~(e)~~

11 (f) This section shall not apply to those services for which rates
12 are determined by the State Department of Health Care Services,
13 or the State Department of Developmental Services, or are usual
14 and customary.

15 SEC. 4. Section 4688.21 of the Welfare and Institutions Code
16 is amended to read:

17 4688.21. (a) The Legislature places a high priority on
18 opportunities for adults with developmental disabilities to choose
19 and customize day services to meet their individualized needs;
20 have opportunities to further the development or maintenance of
21 employment and volunteer activities; direct their services; pursue
22 postsecondary education; and increase their ability to lead
23 integrated and inclusive lives. To further these goals, a consumer
24 may choose a tailored day service or vouchered community-based
25 training service, in lieu of any other regional center vendored day
26 program, look-alike day program, supported employment program,
27 or work activity program.

28 (b) (1) A tailored day service shall do both of the following:

29 (A) Include an individualized service design, as determined
30 through the individual program plan (IPP) and approved by the
31 regional center, that maximizes the consumer’s individualized
32 choices and needs. This service design may include, but may not
33 be limited to, the following:

34 (i) Fewer days or hours than in the program’s approved day
35 program, look-alike day program, supported employment program,
36 or work activity program design.

37 (ii) Flexibility in the duration and intensity of services to meet
38 the consumer’s individualized needs.

39 (B) Encourage opportunities to further the development or
40 maintenance of employment, volunteer activities, or pursuit of

1 postsecondary education; maximize consumer direction of the
2 service; and increase the consumer's ability to lead an integrated
3 and inclusive life.

4 (2) The type and amount of tailored day service shall be
5 determined through the IPP process, pursuant to Section 4646.
6 The IPP shall contain, but not be limited to, the following:

7 (A) A detailed description of the consumer's individualized
8 choices and needs and how these choices and needs will be met.

9 (B) The type and amount of services and staffing needed to
10 meet the consumer's individualized choices and needs, and unique
11 health and safety and other needs.

12 (3) The staffing requirements set forth in Section 55756 of Title
13 17 of the California Code of Regulations and subdivision (r) of
14 Section 4851 of this code shall not apply to a tailored day service.

15 (4) For currently vendored programs wishing to offer a tailored
16 day service option, the regional center shall vendor a tailored day
17 service option upon negotiating a rate and maximum units of
18 service design that includes, but is not limited to, the following:

19 (A) A daily or hourly rate and maximum units of service design
20 that does not exceed the equivalent cost of four days per week of
21 the vendor's current rate, if the vendor has a daily day program
22 rate.

23 (B) A rate and maximum units of service design that does not
24 exceed the equivalent cost of four-fifths of the hours of the vendor's
25 current rate, if the vendor has an hourly rate.

26 (5) The regional center shall ensure that the vendor is capable
27 of complying with, and will comply with, the consumer's IPP,
28 individual choice, and health and safety needs.

29 (6) For new programs wishing to offer a tailored day service
30 option, the regional center shall vendor a tailored day service option
31 upon negotiating a rate and maximum units of service design. The
32 rate paid to the new vendor shall not exceed four-fifths of the
33 temporary payment rate or the median rate, whichever is applicable.

34 *(7) Notwithstanding any other law, and subject to an*
35 *appropriation of funds by the Legislature for these purposes, the*
36 *rates paid to tailored day service providers shall be increased by*
37 *10 percent above the levels that otherwise would have been in*
38 *effect on the effective date of the act that added this paragraph.*

39 (7)

(8) Effective July 1, 2011, and prior to the time of development, review, or modification of a consumer's IPP, regional centers shall provide information about tailored day service to eligible adult consumers. A consumer may request information about tailored day services from the regional center at any time and may request an IPP meeting to secure those services.

(c) (1) A vouchered community-based training service is defined as a consumer-directed service that assists the consumer in the development of skills required for community integrated employment or participation in volunteer activities, or both, and the assistance necessary for the consumer to secure employment or volunteer positions or pursue secondary education.

(2) Implementation of vouchered community-based training service is contingent upon the approval of the federal Centers for Medicare and Medicaid Services.

(3) Vouchered community-based training service shall be provided in natural environments in the community, separate from the consumer's residence.

(4) A consumer, parent, or conservator vendored as a vouchered community-based training service shall utilize the services of a financial management services (FMS) entity. The regional center shall provide information about available financial management services and shall assist the consumer in selecting a FMS vendor to act as coemployer.

(5) A parent or conservator shall not be the direct support worker employed by the vouchered community-based training service vendor.

(6) If the direct support worker is required to transport the consumer, the vouchered community-based training service vendor shall verify that the direct support worker can transport the consumer safely and has a valid California driver's license and proof of insurance.

(7) (A) The rate for vouchered community-based training service shall not exceed thirteen dollars and forty-seven cents (\$13.47) per hour. The rate includes employer-related taxes and all transportation needed to implement the service, except as described in paragraph (8). The rate does not include the cost of the FMS.

(B) *Notwithstanding subparagraph (A), and subject to an appropriation of funds by the Legislature for these purposes, the*

1 *rate described in subparagraph (A) shall be fourteen dollars and*
2 *eighty-two cents (\$14.82) per hour.*

3 (8) A consumer vendored as a vouchered community-based
4 training service shall also be eligible for a regional center-funded
5 bus pass, if appropriate and needed.

6 (9) Vouchered community-based training service shall be limited
7 to a maximum of 150 hours per quarter. The services to be provided
8 and the service hours shall be documented in the consumer's IPP.

9 (10) A direct support worker of vouchered community-based
10 training service shall be an adult who possesses the skill, training,
11 and experience necessary to provide services in accordance with
12 the IPP.

13 (11) Effective July 1, 2011, and prior to the time of development,
14 review, or modification of a consumer's IPP, regional centers shall
15 provide information about vouchered community-based training
16 service to eligible adult consumers. A consumer may request
17 information about vouchered community-based training service
18 from the regional center at any time and may request an IPP
19 meeting to secure those services.

20 (12) The type and amount of vouchered community-based
21 training service shall be determined through the IPP process
22 pursuant to Section 4646. The IPP shall contain, but not be limited
23 to, the following:

24 (A) A detailed description of the consumer's individualized
25 choices and needs and how these choices and needs will be met.

26 (B) The type and amount of services and staffing needed to
27 meet the consumer's individualized choices and unique health and
28 safety and other needs.

29 (d) The department may adopt emergency regulations for
30 tailored day service or vouchered community-based training
31 service. The adoption, amendment, repeal, or readoption of a
32 regulation authorized by this subdivision is deemed to be necessary
33 for the immediate preservation of the public peace, health and
34 safety, or general welfare, for purposes of Sections 11346.1 and
35 11349.6 of the Government Code, and the department is hereby
36 exempted from the requirement that it describe specific facts
37 showing the need for immediate action. A certificate of compliance
38 for these implementing regulations shall be filed within 24 months
39 following the adoption of the first emergency regulations filed
40 pursuant to this subdivision.

1 SEC. 5. Section 4689.8 of the Welfare and Institutions Code
2 is amended to read:

3 4689.8. ~~(a) Notwithstanding any other provision of law or~~
4 ~~regulation, law~~, commencing July 1, 2008:

5 ~~(a) No~~

6 ~~(1) A regional center may~~ *shall not* pay an existing supported
7 living service provider, for services where rates are determined
8 through a negotiation between the regional center and the provider,
9 a rate higher than the rate in effect on June 30, 2008, unless the
10 increase is required by a contract between the regional center and
11 the vendor that is in effect on June 30, 2008, or the regional center
12 demonstrates that the approval is necessary to protect the
13 consumer's health or safety and the department has granted prior
14 written authorization.

15 ~~(b) No~~

16 ~~(2) A regional center may~~ *shall not* negotiate a rate with a new
17 supported living service provider, for services where rates are
18 determined through a negotiation between the regional center and
19 the provider, that is higher than the regional center's median rate
20 for the same service code and unit of service, or the statewide
21 median rate for the same service code and unit of service,
22 whichever is lower. The unit of service designation shall conform
23 with an existing regional center designation or, if none exists, a
24 designation used to calculate the statewide median rate for the
25 same service. The regional center shall annually certify to the State
26 Department of Developmental Services its median rate for each
27 negotiated rate service code, by designated unit of service. This
28 certification shall be subject to verification through the
29 department's biennial fiscal audit of the regional center.

30 *(b) Notwithstanding subdivision (a), and subject to an*
31 *appropriation of funds by the Legislature for these purposes,*
32 *regional centers shall increase the rates paid to supported living*
33 *service providers, for services where rates are determined through*
34 *a negotiation between the regional center and the provider, by 10*
35 *percent above the levels that otherwise would have been in effect*
36 *on the effective date of the act that added this subdivision.*

37 SEC. 6. Section 4690.7 is added to the Welfare and Institutions
38 Code, to read:

39 4690.7. (a) Notwithstanding any other law, and subject to an
40 appropriation of funds by the Legislature for these purposes, the

1 department shall increase the rates set for nonresidential service
2 providers by 10 percent above the levels that otherwise would have
3 been in effect on the effective date of the act that added this section.

4 SEC. 7. Section 4691.9 of the Welfare and Institutions Code
5 is amended to read:

6 4691.9. (a) Notwithstanding any other ~~law or regulation~~, law,
7 commencing July 1, 2008:

8 (1) A regional center shall not pay an existing service provider,
9 for services where rates are determined through a negotiation
10 between the regional center and the provider, a rate higher than
11 the rate in effect on June 30, 2008, unless the increase is required
12 by a contract between the regional center and the vendor that is in
13 effect on June 30, 2008, or the regional center demonstrates that
14 the approval is necessary to protect the consumer's health or safety
15 and the department has granted prior written authorization.

16 (2) A regional center shall not negotiate a rate with a new service
17 provider, for services where rates are determined through a
18 negotiation between the regional center and the provider, that is
19 higher than the regional center's median rate for the same service
20 code and unit of service, or the statewide median rate for the same
21 service code and unit of service, whichever is lower. The unit of
22 service designation shall conform with an existing regional center
23 designation or, if none exists, a designation used to calculate the
24 statewide median rate for the same service. The regional center
25 shall annually certify to the State Department of Developmental
26 Services its median rate for each negotiated rate service code, by
27 designated unit of service. This certification shall be subject to
28 verification through the department's biennial fiscal audit of the
29 regional center.

30 (b) Notwithstanding subdivision (a), commencing July 1, 2014,
31 regional centers may negotiate a rate adjustment with providers
32 regarding rates if the adjustment is necessary in order to pay
33 employees no less than the minimum wage as established by
34 Section 1182.12 of the Labor Code, as amended by Chapter 351
35 of the Statutes of 2013, and only for the purpose of adjusting
36 payroll costs associated with the minimum wage increase. The
37 rate adjustment shall be specific to the unit of service designation
38 that is affected by the increased minimum wage, shall be specific
39 to payroll costs associated with any increase necessary to adjust
40 employee pay only to the extent necessary to bring pay into

1 compliance with the increased state minimum wage, and shall not
2 be used as a general wage enhancement for employees paid above
3 the increased minimum wage. Regional centers shall maintain
4 documentation on the process to determine, and the rationale for
5 granting, any rate adjustment associated with the minimum wage
6 increase.

7 (c) Notwithstanding any other law or regulation, commencing
8 January 1, 2015, rates for personal assistance and supported living
9 services in effect on December 31, 2014, shall be increased by
10 5.82 percent, subject to funds specifically appropriated for this
11 increase for costs due to changes in federal regulations
12 implementing the federal Fair Labor Standards Act of 1938 (29
13 U.S.C. Sec. 201 et seq.). The increase shall be applied as a
14 percentage, and the percentage shall be the same for all applicable
15 providers. As used in this subdivision, both of the following
16 definitions shall apply:

17 (1) "Personal assistance" is limited only to those services
18 provided by vendors classified by the regional center as personal
19 assistance providers, pursuant to the miscellaneous services
20 provisions contained in Title 17 of the California Code of
21 Regulations.

22 (2) "Supported living services" are limited only to those services
23 defined as supported living services in Title 17 of the California
24 Code of Regulations.

25 (d) Notwithstanding subdivision (a), commencing July 1, 2015,
26 regional centers may negotiate a rate adjustment with existing
27 service providers for services for which rates are determined
28 through negotiation between the regional center and the provider,
29 if the adjustment is necessary to implement Article 1.5
30 (commencing with Section 245) of Chapter 1 of Part 1 of Division
31 2 of the Labor Code, as added by Chapter 317 of the Statutes of
32 2014. The rate adjustment may be applied only if a minimum of
33 24 hours or three days of paid sick leave per year was not a benefit
34 provided to employees as of June 30, 2015, and shall be specific
35 to payroll costs associated with any increase necessary to
36 compensate an employee up to a maximum of 24 hours or three
37 days of paid sick leave in each year of employment.

38 (e) *Notwithstanding subdivision (a), and subject to an*
39 *appropriation of funds by the Legislature for these purposes,*
40 *regional centers shall increase the rates paid to service providers,*

1 *for services where rates are determined through a negotiation*
2 *between the regional center and the provider, by 10 percent above*
3 *the levels that otherwise would have been in effect on the effective*
4 *date of the act that added this subdivision.*

5 ~~(e)~~

6 (f) This section shall not apply to those services for which rates
7 are determined by the State Department of Health Care Services,
8 or the State Department of Developmental Services, or are usual
9 and customary.

10 SEC. 8. Section 4795 is added to the Welfare and Institutions
11 Code, to read:

12 4795. (a) The department shall, subject to an appropriation of
13 funds by the Legislature for these purposes, increase the funding
14 provided to a regional center for the regional center's operating
15 budget by 10 percent above the levels that otherwise would have
16 been in effect on the effective date of the act that added this section.

17 (b) The department shall, subject to an appropriation of funds
18 by the Legislature for these purposes, increase the funding provided
19 to a regional center to enable the regional center and regional
20 center's purchase-of-service vendors to fund all of the following
21 costs associated with minimum wage requirements:

22 (1) The costs necessary to comply with a statewide minimum
23 wage requirement.

24 (2) The costs necessary to comply with minimum wage
25 requirements enacted by local governments that exceed the
26 statewide minimum wage.

27 (3) The costs necessary to increase compensation for exempt,
28 salaried employees to comply with wage orders issued by the
29 Industrial Welfare Commission or any other state regulatory
30 agency.

31 (4) Any other wage adjustments that vendors are required to
32 make in response to minimum wage increases mandated by state
33 or federal statutes, regulations, or other authorities.

34 SEC. 9. Section 4796 is added to the Welfare and Institutions
35 Code, to read:

36 4796. The department shall develop a 10-year financial
37 sustainability plan to ensure that the state's community-based
38 developmental services system effectively serves all individuals
39 with developmental disabilities.

1 SEC. 10. Section 4860 of the Welfare and Institutions Code is
2 amended to read:

3 4860. (a) (1) (A) The hourly rate for supported employment
4 services provided to consumers receiving individualized services
5 shall be thirty dollars and eighty-two cents (\$30.82).

6 *(B) Notwithstanding subparagraph (A), and subject to an*
7 *appropriation of funds by the Legislature for these purposes, the*
8 *rate described in subparagraph (A) shall be thirty-three dollars*
9 *and ninety cents (\$33.90).*

10 (2) Job coach hours spent in travel to consumer worksites may
11 be reimbursable for individualized services only when the job
12 coach travels from the vendor's headquarters to the consumer's
13 worksite or from one consumer's worksite to another, and only
14 when the travel is one way.

15 (b) (1) The hourly rate for group services shall be thirty dollars
16 and eighty-two cents (\$30.82), regardless of the number of
17 consumers served in the group. Consumers in a group shall be
18 scheduled to start and end work at the same time, unless an
19 exception that takes into consideration the consumer's compensated
20 work schedule is approved in advance by the regional center. The
21 department, in consultation with stakeholders, shall adopt
22 regulations to define the appropriate grounds for granting these
23 exceptions. When the number of consumers in a supported
24 employment placement group drops to fewer than the minimum
25 required in subdivision (r) of Section 4851, the regional center
26 may terminate funding for the group services in that group, unless,
27 within 90 days, the program provider adds one or more regional
28 centers, or Department of Rehabilitation-funded supported
29 employment consumers to the group.

30 *(2) Notwithstanding paragraph (1), and subject to an*
31 *appropriation of funds by the Legislature for these purposes, the*
32 *rate described in paragraph (1) shall be thirty-three dollars and*
33 *ninety cents (\$33.90).*

34 (c) Job coaching hours for group services shall be allocated on
35 a prorated basis between a regional center and the Department of
36 Rehabilitation when regional center and Department of
37 Rehabilitation consumers are served in the same group.

38 (d) When Section 4855 applies, fees shall be authorized for the
39 following:

1 (1) (A) A three-hundred-sixty-dollar (\$360) fee shall be paid
2 to the program provider upon intake of a consumer into a supported
3 employment program. No fee shall be paid if that consumer
4 completed a supported employment intake process with that same
5 supported employment program within the previous 12 months.

6 (B) *Notwithstanding subparagraph (A), and subject to an*
7 *appropriation of funds by the Legislature for these purposes, the*
8 *fee described in subparagraph (A) shall be*
9 *three-hundred-ninety-six-dollars (\$396).*

10 (2) (A) A seven-hundred-twenty-dollar (\$720) fee shall be paid
11 upon placement of a consumer in an integrated job, except that no
12 fee shall be paid if that consumer is placed with another consumer
13 or consumers assigned to the same job coach during the same hours
14 of employment.

15 (B) *Notwithstanding subparagraph (A), and subject to an*
16 *appropriation of funds by the Legislature for these purposes, the*
17 *fee described in subparagraph (A) shall be*
18 *seven-hundred-ninety-two-dollars (\$792).*

19 (3) (A) A seven-hundred-twenty-dollar (\$720) fee shall be paid
20 after a 90-day retention of a consumer in a job, except that no fee
21 shall be paid if that consumer has been placed with another
22 consumer or consumers, assigned to the same job coach during
23 the same hours of employment.

24 (B) *Notwithstanding subparagraph (A), and subject to an*
25 *appropriation of funds by the Legislature for these purposes, the*
26 *fee described in subparagraph (A) shall be*
27 *seven-hundred-ninety-two-dollars (\$792).*

28 (e) Notwithstanding paragraph (4) of subdivision (a) of Section
29 4648, the regional center shall pay the supported employment
30 program rates established by this section.

31 SEC. 11. The Legislature declares that the changes made by
32 this act are not intended to result in the substantial impairment of
33 any contract. To the extent any contract would be substantially
34 impaired as a result of the application of any change made by this
35 act, it is the intent of the Legislature that the change apply only to
36 contracts renewed or entered into on or after the effective date of
37 this act.

O